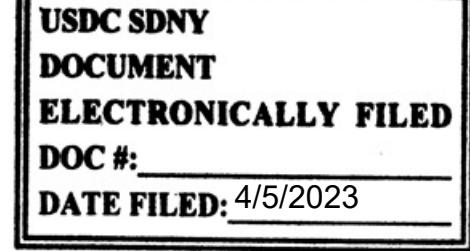


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April 5, 2023

**VIA ELECTRONIC CASE FILING**

Robert W. Lehrburger, U.S.M.J.  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

Re: *Trs. of the N.Y.C. Dist. Council of Carpenters Pension Fund, et al. v.  
Tri-State Concrete Polishing LLC., et al.; Case No.: 22-cv-3645 (AT) (RWL)*

Dear Judge Lehrburger:

Our firm is counsel to the Defendants in the above-referenced action. Defendants, writing jointly with Plaintiffs, submit this letter to respectfully request a 60-day extension of time to complete discovery, from May 5, 2023 until July 3, 2023.

As the parties informed the Court in their previous joint letter motion, the parties are optimistic that they can resolve the instant action without intensive discovery or additional Court intervention.

A Settlement Conference was conducted on March 14, 2023. At this conference the parties reached a tentative settlement agreement subject to approval by the Trustees of the Plaintiffs' Funds as well as subject to an audit revision of Defendant Tri-State by the Plaintiffs' auditors. In preparing the revised audit, the Plaintiffs' auditors did not accept some of Defendants' calculations for settlement purposes. The Plaintiffs have submitted a new settlement proposal and the Defendants are in the process of reviewing Plaintiffs' revised audit findings.

Because the Defendants are still reviewing this new information, the parties have temporarily paused settlement discussions. In order to allow the parties additional time to hold meaningful settlement discussions, the parties respectfully request an extension of time to complete discovery. The extension will allow the parties the time to have serious settlement conversations and the time to evaluate whether depositions and additional litigation are necessary. The parties wish to conserve their resources as well as the Court's. To date, Plaintiffs and Defendants have exchanged discovery demands and responses.

Accordingly, the parties respectfully request an extension of time to complete fact discovery for 60 days, from May 5, 2023 until July 3, 2023, during which time the parties anticipate conducting

meaningful settlement discussions as well as completing depositions and post-deposition fact discovery if revealed to be necessary.<sup>1</sup> This request is the parties' third such request. All parties consent to this request. If the Court grants the parties request, the following deadlines will also need to be modified:

	<b>Original Date</b>	<b>Proposed Revised Date</b>
Completion of Fact Discovery	May 5, 2023	July 3, 2023
Completion of Depositions	April 21, 2023	June 19, 2023
Completion of Expert Discovery	N/A	N/A
Case Management Conference	June 20, 2023 at 1:40 p.m.	To be determined by the Court

The parties thank the Court for its time and attention to this matter.

Very truly yours,

Richard B. Ziskin

Richard B. Ziskin

cc: Adrianna R. Grancio, Esq. (via ECF)

Granted.

SO ORDERED:

4/5/2023

HON. ROBERT W. LEHRBURGER  
UNITED STATES MAGISTRATE JUDGE

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<sup>1</sup> Plaintiffs' counsel will be out of the country from May 3, 2023 through May 15, 2023, which adds to the parties 60 day extension request.